

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 537**

March 4, 2008 – Offered by Senators KAPANKE and ROESSLER.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 4: after “proceedings” insert “and the provision of attorney
3 representation of state employees at John Doe proceedings”.

4 **2.** Page 2, line 10: after that line insert:

5 “**SECTION 2p.** 895.46 (9) of the statutes is created to read:

6 895.46 **(9)** The protection afforded by this section applies to a proceeding under
7 s. 968.26 in which a state officer or state employee is a subject to charges for acting
8 within his or her official capacity, if that officer or employee is found to be acting
9 within the scope of his or her employment, and if the attorney general determines
10 that the state officer or state employee acted in good faith. Regardless of the
11 determination made by the attorney general, the protection afforded by this section
12 applies if the state officer or employee is not found guilty of the criminal action

1 commenced as a result of the proceeding under s. 968.26. This protection includes
2 the payment of reasonable attorney fees in defending the action and costs or fines
3 arising out of the action.”.

4 **3.** Page 6, line 10: delete “The treatment of section 968.26 (2) of the statutes”
5 and substitute “This act”.

6 (END)